



Appeal Decision

Site visit made on 4 November 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 15th December 2025

Appeal Ref: APP/D0515/W/25/3363370

64 Cranleigh, Sutton Road, Leverington, Cambridgeshire, PE13 5DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Aistrup against the decision of Fenland District Council.
 - The application Ref is F/YR24/0813/O.
 - The development proposed is a new self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission all matters reserved for future consideration. I have therefore assessed the submitted drawings as merely illustrative insofar as they relate to the reserved matters.

Main issue

3. The main issue is whether the scheme would represent an acceptable form of development having regard to any flood risk and the provisions of the development plan and the National Planning Policy Framework (the 'Framework').

Reasons

4. The appeal site is located off Sutton Road, within the Parish of Leverington, but forming part of the generally built-up area on the outskirts of Wisbech. The red lined site includes an access route and a relatively level, overgrown grassed area containing two permanent, though dilapidated, wooden structures. The Council estimates that these structures occupy approximately 0.5% of the total site area. Otherwise, the land is enclosed by dense, mature landscaping. The appellant does not dispute the Council's description that it was previously used as paddock land.
5. Policy LP14 of the Fenland Local Plan 2014 ('LP') confirms, amongst other criteria, that development in areas known to be at risk from flooding will only be permitted following: the successful completion of a sequential test (if necessary) and an exception test (if necessary). It also confirms that a Supplementary Planning Document will be used to provide further guidance in assessing planning applications.
6. Paragraph 170 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing

flood risk elsewhere. Specifically, the Framework states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. As such, development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

7. The Planning Practice Guidance¹ ('PPG') affirms that this means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. It also states that for individual planning applications which are subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for. With particular importance to this proposal is the advice that for non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements. Nonetheless, there is often disagreement regarding the appropriate search area for the sequential test, as the test is not constrained by land ownership and may extend across a town, a housing market area, or even an entire district.
8. From the submitted evidence, there appears to be no dispute between the parties that the appeal site lies within Flood Zone 3, which is classified as land at the highest risk of flooding. The Council considers that, although the site is within the Parish of Leverington, it has a stronger spatial relationship with Wisbech. In its view, there is little perception that the site forms part of Leverington, which is located further to the west. Notably, the appellant's flood risk assessment² ('FRA') also refers to the sequential test for the appeal site being considered against the northern and western parts of Wisbech, rather than areas of Leverington.
9. Furthermore, having reviewed the local circumstances and catchment area, it is evident that the appeal site forms part of a continuous pattern of built development extending towards the centre of Wisbech, giving it a stronger spatial relationship with the town. By contrast, the site is physically separated from Leverington by several areas of undeveloped land. When travelling along Sutton Road, the main route serving the appeal site, a visitor would remain largely disconnected from the core of Leverington, with no clear perception that the site forms part of that settlement. Instead, its physical and functional characteristics suggest a closer association with Wisbech, reinforced by transport links that are oriented towards the town rather than Leverington. As an infill residential development, it is likely that future occupiers would rely on Wisbech to meet day-to-day service needs and that the scheme would contribute more directly to addressing housing requirements in Wisbech rather than Leverington. On this basis, I am satisfied that the catchment area for the appeal site should include Wisbech.
10. In considering reasonably available sites suitable for the proposed development in areas of lower flood risk, the Council has identified sites with planning permission that are sequentially preferable within Wisbech. They specifically refer to a

¹ Paragraph: 023 Reference ID: 7-023-20220825; Paragraph: 027a Reference ID: 7-027a-20220825

² Flood Risk Assessment for Residential Development at Sutton Road, Wisbech – August 2024

significant number of dwellings anticipated to come forward within strategic allocations set out in the local plan, which are located in Flood Zones 1 and 2, rather than Flood Zone 3. The Council also notes that approximately half of Wisbech falls within Flood Zones 2 and 3, meaning the remaining land presents a lower risk of flooding.

11. In response, the appellant's flood risk assessment has referred to three potential urban extensions in Wisbech, which are in Flood Zone 3. The assessment does not refer to them directly; thus, it is unclear which specific schemes have been referred to. In any event, it states that these sites are included in the Council's local plan and as such, the appellant considers it reasonable to conclude that there are no other sites available which present a lesser level of flood risk. However, there is no evidence before me to demonstrate that the presence of certain allocations in Flood Zone 3 would categorically confirm the absence of alternative sites with lower flood risk. There may be other reasons why such sites have been brought forward in preference to others and the presence of these schemes does not clearly establish that no other sites are available. Given the Council's confirmation that other sites are reasonably available within strategic allocations, I cannot be satisfied that there are no alternative sites suitable for the proposed development in areas of lower flood risk.
12. Notwithstanding the approach set out above and referred to within the FRA, the appellant also submits that the appropriate search area for the sequential test should be confined to Leverington, thereby excluding Wisbech. They point out that the site has a Leverington postal address, lies within Leverington Parish, and physically adjoins the built-up settlement of Leverington. They also refer to Local Government Boundary Commission maps, which confirm the location of the appeal site within Leverington. Thus, on the basis that there are no reasonably available alternative sites within Leverington, they consider that the site satisfies the Sequential Test. Their evidence includes a Rightmove search to find appropriate single plot sites and a list of permissions set out in Appendix 3 of their statement. However, a site does not need to be in the appellant's ownership to be considered reasonably available. In terms of flood safety, the PPG guidance confirms that the key consideration is the inherent vulnerability of the proposed land use, rather than its tenure or construction method. This includes whether planning conditions or obligations link the proposal to self-build or custom-build. On this basis, I agree with the Council that there are at least four plots within Leverington with permission for a dwelling where works have not yet commenced. These plots should therefore be considered available and accordingly, appear to represent a reasonable alternative to the appeal site.
13. The PPG states that for the purposes of the sequential test, the area of search would not normally extend beyond an individual village and its immediate neighbouring settlements. Thus, even applying the appellant's approach and focusing on Leverington, the PPG indicates that this village and the neighbouring settlement of Wisbech should form the appropriate area of search.
14. Consequently, for all of the above reasons, the sequential test is not satisfied. It has not been demonstrated that there are no other reasonably available sites located in areas of lower flood risk that could accommodate the proposed development. As the sequential test has not been met, it is not necessary to consider whether the exception test would be satisfied.

15. In conclusion, the proposed development would fail to comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding. The successful completion of a sequential test has not been demonstrated, contrary to Policy L14 of the LP and the guidance set out in the Cambridgeshire Flood and Water Supplementary Planning Document.

Other Matters

16. The appellant refers to several local approvals near the appeal site (F/YR17/0304/F, F/YR24/0230/F, and F/YR20/0883/F), suggesting a pattern of infill residential development. However, it is unclear how those decisions addressed any flooding issues for that scale of development or non-compliance with the sequential test. As such, I cannot be satisfied that the circumstances of these developments are directly comparable to the proposed development. Accordingly, they do not provide a meaningful precedent in support of this development.

Planning Balance

17. Paragraph 125 of the Framework states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused. The appellant has referred to the existence of the two permanent but dilapidated wooden structures as evidence that the appeal site should be considered Previously Developed Land (PDL) and thus would meet the criteria of being considered brownfield land. However, it has not been contested that the structures only occupy approximately 0.5% of the land. The Framework defines PDL as land which has been lawfully developed and occupied by permanent structures. Although it may include the curtilage of the developed land, it should not be assumed that the whole of the curtilage should be developed. It is not disputed that the buildings were used for storage, rather than for activities which are intimately connected with the broader use of the paddock, such as grazing or exercise. Given the relatively small proportion of land occupied by these structures, I cannot be satisfied that the whole appeal site meets the definition of PDL. Consequently, the partial reuse of such land carries, in my view, only limited weight in favour of approval.
18. I have considered the appellant's reference to planning application F/YR22/1421/F. The case is made that the proposed development represents an improvement in flood risk compared to that scheme. They also consider that the land qualifies as PDL and on that basis, it is argued that the sequential test should not apply to the proposed development. However, there is no substantive evidence before me to support this position, even if I were to accept that the entire appeal site constitutes PDL. Furthermore, nothing within the Framework indicates that either factor removes the requirement to apply the sequential test. Accordingly, these considerations attract very little weight in the determination of this appeal.
19. The appellant refers to planning appeal APP/D0121/W/24/3343144 in Somerset, where non-compliance with the sequential test was not considered fatal when weighed against significant benefits. However, that case concerned a large residential scheme of up to 190 homes, including 50% affordable housing, addressing a substantial shortfall in housing land supply and delivering additional benefits such as commercial floorspace and ecological mitigation. By contrast, the

current proposal is for a single self-build dwelling, which does not provide the same significance in terms of benefits. As such, it is not possible to draw meaningful comparisons between the two schemes, in different counties, nor conclude that the impacts of the current proposal would be acceptable. Each site should be assessed on its own merits, and the presence of other schemes where non-compliance with the sequential test was accepted does not justify the harm I have identified.

20. Paragraph 73 of the Framework requires local planning authorities to promote the development of a good mix of sites, such that they should seek opportunities, through decisions, to support small sites to come forward for self-build and custom-build housing. The appellant considers that the Council is failing in this duty, noting that only two plots have been approved, and suggest that this shortfall should carry significant weight in favour of the proposal. In response, the Council states that only two individuals are currently on its self-build register and that there are extant permissions for more than two plots, including schemes for up to six dwellings subject to self-build conditions. This suggests that demand for such plots within the locality may be limited and, where it does exist, is likely already being met. In any event, while the proposal would deliver one additional self-build dwelling, this represents only a very modest contribution to supply. Consequently, this benefit carries, in my view, limited weight in the overall planning balance.
21. The proposal would represent a type of infill development within an otherwise built-up area. As such, it is located within a sustainable location and would be unlikely to result in a significant increase in parking pressure. It would make use of land which appears to be currently underutilised. The appellant states that the proposed development would result in a betterment in terms of flood risk compared to other applications. Several letters of support have been submitted by neighbouring residents and the Parish Council. While community feedback is a valued part of the planning process, such support does not outweigh the identified harm. Accordingly, given the limited scale of the proposed development, these benefits are relatively minor in planning terms.
22. As noted above, there is harm and related policy conflict arising from the effect of the proposed development on flood risk in the area. This is a significant shortcoming and results in conflict with the development plan as a whole. Collectively these harms and policy conflicts are attributed substantial weight against the scheme. In conclusion, the harm and related policy conflicts, to which are attributed substantial weight, are not outweighed by the benefits of the scheme, which are afforded limited weight.

Conclusion

23. The proposal conflicts with the development plan taken as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

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INSPECTOR